

REMARKS

Claims 1-20 are currently pending, wherein claims 2, 4 and 15 have been amended to correct typographical and/or translation errors. Applicant respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 1 (first occurrence) of the Office Action ("Action"), the Examiner requires a new title because the original title of the invention is allegedly not descriptive. Applicant has hereby amended the title to even more clearly describe the present invention, thereby addressing the Examiner's concerns.

In paragraph 3 of the Action, the Examiner rejects claims 1-7 and 12-18 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0203872 A1 to Hanninen et al. ("Hanninen"), in view of U.S. Patent No. 6,314,296 to Hamada et al. ("Hamada"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1-7 and 12-18 are not rendered unpatentable by the combination of Hanninen and Hamada because the Examiner fails to establish a *prima facie* case of obviousness as discussed below.

Independent claim 1 defines an image processing server. The server includes, *inter alia*, a specifier that specifies a position of a mobile communication device based on information from a base station representing a communication region, after the image processing server receives

image data sensed by the mobile communication device having an image sensor, and an adder that adds first position information indicative of the specified position to the image data as attribute information of the image data.

Hanninen discloses a personal “black box” contained within a mobile terminal for providing a personal safety net. More specifically, the “black box” contained within the mobile terminal receives, stores if necessary, and transmits to a remote location, image data, voice data, and location data which can subsequently be used to provide a useful record of crimes and accidents. Although Hanninen discloses that image data, voice data, and position data are securely stored in a remote server 150, nowhere in Hanninen is there any disclosure or suggestion of the server including a specifier and adder as claimed. To the contrary, Hanninen discloses that the position information is transmitted to the server for storage. Accordingly, there is no need for the server of Hanninen to be capable of determining/specifying location information or to add the information as attribute data to the image data.

Hamada discloses a position registration function for a cellular wireless communication apparatus that specifies the position of the apparatus. In addition, the position information is used to notify a called party of the location and identify a calling party. However, nowhere in Hamada is there any disclosure or suggestion of a server that includes a specifier and an adder as claimed.

In rejecting claim 1, the Examiner asserts that Hamada discloses “adding information indicative of the specified position to image data attribute information of the image data” in as much as Hamada discloses displaying the location of a wireless apparatus to a called party as shown in FIGs. 3 and 4. Therefore, the Examiner concludes that it would have been obvious to

one skilled in the art to “include the position to image indicative of the specified position to the image data as attribute information” in the system of Hanninen “for the purposes of other users charting a course from current location to the location that the image displays through location means provided by network service.” These assertions are unfounded for the following reason.

Nowhere in Hamada is there any disclosure or suggestion of adding first position information indicative of a specified position to the image data as attribute information. At best, Hamada only discloses displaying information regarding the location of a wireless apparatus for use in determining whether or not to accept a call. There is no suggestion in Hamada that the position information is associated in any way with image data as claimed.

Therefore, even if one skilled in the art were motivated to combine Hanninen and Hamada, which Applicant does not concede, the combination would still fail to render claim 1 unpatentable because the combination fails to disclose each and every claimed element. Neither Hanninen nor Hamada, whether taken singularly or in combination, disclose or suggest an image processing server that includes an adder that adds first position information indicative of a specified position to image data as attribute information of the image data as claimed. Accordingly, claim 1 is patentable over the combination of Hanninen and Hamada.

Independent claims 5, 12, and 16 each define an image processing server that includes, *inter alia*, an adder or means for adding position information indicative of a position to image data sensed by an image sensor as attribute information of the image data. Accordingly, independent claims 5, 12 and 16 are patentable over the combination of Hanninen and Hamada for at least the reason that the combination fails to disclose or suggest an adder as claimed. (See discussion above with respect to claim 1.)

Claims 2-4, 7, 13-15, 17 and 18 variously depend from independent claims 1, 5, 12 and 16. Therefore, claims 2-4, 7, 13-15, 17 and 18 are patentably over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1, 5, 12 and 16. Accordingly, Applicant respectfully request reconsideration and withdrawal of the rejection of claims 1-7 and 12-18 under 35 U.S.C. §103.

In paragraph 10 of the Action, the Examiner rejects claims 8, 9, 19 and 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hanninen in view of Hamada, further in view of U.S. Patent Application Publication No. 2002/0116575 A1 to Toyomura et al. ("Toyomura"). Applicants respectfully traverse this rejection.

Claims 8, 9, 19, and 20 variously depend from independent claims 1, 5, 12, and 16. Therefore, claims 8, 9, 19, and 20 are patentable over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1, 5, 12, and 16.

Toyomura discloses a carryable memory media with which a user can manage a plurality of different types of files. The memory media includes a directory for storing specific format files having a certain predetermined specific file form, and a directory for storing non-specific format files having free forms. However, Toyomura fails to overcome the deficiencies of Hanninen and Hamada.

Since Hanninen, Hamada and Toyomura each fail to disclose or suggest an image processing server that includes an adder as claimed, the combination of these three references cannot possible disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Hanninen, Hamada and Toyomura, which Applicant does not concede, the combination would still fail to render claims 8, 9, 19, and 20 unpatentable because the

combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8, 9, 19, and 20 under 35 U.S.C. §103(a).

In paragraph 12 of the Action, the Examiner rejects claims 10 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hanninen in view of Hamada, further in view of U.S. Patent Application Publication No. 2003/0076428 A1 to ITO ("ITO"). Applicant respectfully traverses this rejection.

Claims 10 and 11 depend from independent claims 1 and 5 respectfully. Therefore, claims 10 and 11 are patentable over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1 and 5.

ITO discloses an image conversion system wherein a film scanner reads out an image on photographic film and generates a digital image signal representing the image. The format of the digital image signal is converted into a predetermined format used in a digital camera, and the digital image signal in the predetermined format is recorded on a recording medium which can be loaded in the digital camera. However, ITO fails to overcome the deficiencies of Hanninen and Hamada.

Since Hanninen, Hamada and ITO each fail to disclose or suggest an image processing server that includes an adder as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Hanninen, Hamada and ITO, which Applicant does not concede, the combination would still fail to render claims 10 and 11 unpatentable because the combination

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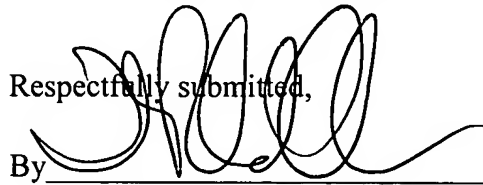
fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. §103(a).

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



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